

E-filed on November 30, 2006

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*Attorneys for the Official Committee of Equity
 Security Holders of USA Capital Diversified Trust
 Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING OF OMNIBUS
 OBJECTION OF THE OFFICIAL
 COMMITTEE OF EQUITY SECURITY
 HOLDERS OF USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC TO CLAIMS ON EQUITY
 MISFILED AS CREDITOR CLAIMS
 BY KAREN PETERSEN TYNDALL
 TRUST, KPT IRREVOCABLE TRUST
 DATED 7/16/99, WILLIAM M.
 SPANGLER, JEAN A. SPANGLER,
 GARY MICHELSEN, JOHN E.
 MICHELSEN FAMILY TRUST,
 MARGARET B. MCGIMSEY TRUST,
 MIRIAM B. AND GEORGE J. GAGE,
 GEORGE J. GAGE TRUST, AND
 SHARON OR JERRY MCGIMSEY**

Date: January 3, 2007
 Time: 9:30 a.m.
 Courtroom: 1

1 **TO: KAREN PETERSEN TYNDALL TRUST**
 2 **KPT IRREVOCABLE TRUST DATED 7/16/99**
 3 **WILLIAM M. SPANGLER**
 4 **JEAN A. SPANGLER**
 5 **GARY MICHELSEN**
 6 **JOHN E. MICHELSEN FAMILY TRUST**
 7 **MARGARET B. MCGIMSEY TRUST**
 8 **MIRIAM B. AND GEORGE J. GAGE**
 9 **GEORGE J. GAGE TRUST**
 10 **SHARON OR JERRY MCGIMSEY**
 11 **DEBTOR**
 12 **ATTORNEYS FOR DEBTOR**
 13 **U.S. TRUSTEE**
 14 **ALL PARTIES IN INTEREST**

15 **NOTICE IS HEREBY GIVEN** that the Official Committee of Equity Security Holders
 16 of USA Capital Diversified Trust Deed Fund, LLC (the "Diversified Committee") filed its
 17 Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital
 18 Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the
 19 "Objection"). The Objection is based upon the grounds that the proofs of claim described on
 20 Exhibit "1" attached hereto are claims on equity interests of debtor USA Capital Diversified
 21 Trust Deed Fund, LLC ("Diversified Fund") that have been erroneously filed as creditor claims
 22 against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled
 23 claims. A copy of the Objection may be obtained at the bankruptcy court's website at
 24 <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-3373.

25 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

26 Local Rule 9014(d)(1): "Oppositions to a motion must be filed and
 27 service must be completed on the movant no later than fifteen (15) days
 28 after the motion is served except as provided by LR 3007(b) and LR
 9006. If the hearing has been set on less than fifteen (15) days' notice,
 the opposition must be filed no later than five (5) business days before
 the hearing, unless the court orders otherwise. The opposition must set
 forth all relevant facts and any relevant legal authority. An opposition
 must be supported by affidavits or declarations that conform to the
 provisions of subsection (c) of this rule."

Please carefully review the Omnibus Objection included with this Notice, particularly
 Exhibit 1 referenced above concerning your claim(s).

1 IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S
2 OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS
3 OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS
4 OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER
5 THAN DECEMBER 26, 2006.

6 If you object to the relief requested, you *must* file a **WRITTEN** response to this
7 pleading with the court. You *must* also serve your written response on the person who sent you
8 this notice.

9 If you do not file a written response with the court, or if you do not serve your written
10 response on the person who sent you this notice, then:

- 11 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 12 • The court may *rule against you* without formally calling the matter at the
13 hearing.

14 NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held
15 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.
16 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on January 3, 2007 at
17 the hour of 9:30 a.m.

18 Respectfully submitted this 30th day of November 2006.

19 BECKLEY SINGLETON, CHTD.

20
21 By: /s/Anne Loraditch

22 Bob L. Olson (Nevada Bar No. 3783)
23 Anne M. Loraditch (Nevada Bar No. 8164)
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Las Vegas, NV 89101

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27 *Attorneys for the Official Committee of Equity*
28 *Security Holders of USA Capital Diversified Trust*
Deed Fund, LLC

EXHIBIT "1"
CLAIMS ON EQUITY

Claim No.	Claimant	Claim Amount	Proposed Disposition
82-1	Karen Petersen Tyndall Trust dated 3/9/94 (Acct #1712)	\$432,425.91	Reclassify as proof of interest
83-1	Karen Petersen Tyndall Trust dated 3/9/94 (Acct #963)	\$312,307.60	Reclassify as proof of interest
84-1	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38	Reclassify as proof of interest
85-1	Karen Petersen Tyndall Trust Dated 3/9/94 (Acct #4231)	\$1,115,915.59	Reclassify as proof of interest
86-1	William M. Spangler (Acct 6249)	\$48,047.32	Reclassify as proof of interest
87-1	William M. Spangler Jean A. Spangler (Acct 8249)	\$72,070.98	Reclassify as proof of interest
88-1	Gary Michelsen	\$Unknown	Reclassify as proof of interest
89-1	John E. Michelsen Family Trust	\$Unknown	Reclassify as proof of interest
90-1	Margaret B. McGimsey Trust	\$96,094.75	Disallow as duplicative of proof of interest already on file
91-1	Miriam B. Gage and George J. Gage	\$283,838.53	Reclassify as proof of interest
92-1	George J. Gage Trust Dated October 8, 1999	\$48,047.32	Reclassify as proof of interest
93-1	Sharon or Jerry McGimsey	\$311,091.58	Disallow as duplicative of proof of interest already on file
111-1	George J. Gage Trust Dated October 8, 1999	\$48,047.32	Disallow as duplicative of Claim no. 92-1
112-1	Miriam B. Gage and George J. Gage	\$283,838.53	Disallow as duplicative of Claim no. 91-1
118-1	Karen Petersen Tyndall Trust Dated 3/9/94	\$1,115,915.59	Disallow as duplicative of Claim no. 85-1
119-1	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38	Disallow as duplicative of Claim no. 84-1

Claim No.	Claimant	Claim Amount	Proposed Disposition
127-1	John E. Michelsen Family Trust	\$Unknown	Disallow as duplicative of Claim no. 89-1
128-1	Gary Michelsen	\$Unknown	Disallow as duplicative of Claim no. 88-1
129-1	Margaret B. McGimsey Trust	\$96,094.75	Disallow as duplicative of Claim no. 90-1
130-1	Sharon or Jerry McGimsey	\$311,091.58	Disallow as duplicative of Claim no. 93-1
134-1	William M. Spangler	\$48,047.32	Disallow as duplicative of Claim no. 86-1
135-1	William M. Spangler and Jean A. Spangler	\$72,070.98	Disallow as duplicative of Claim no. 87-1